



PLANNING BOARD MEETING AGENDA

Thursday September 5, 2019

Town Hall Meeting Room

6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

Public Comment

Approval of Minutes

1. August 15, 2019

Public Hearing

2. Conditional Use Application. Public Facility (Fire Department). 20 Wilson Street (U4-142-1). Town of Berwick.

Old Business

2. Conditional Use Application. Public Facility (Fire Department). 20 Wilson Street (U4-142-1). Town of Berwick.

New Business

3. Conditional Use Application. Adult Use Marijuana Store. 357 Portland Street (R70 12-1). RC/I Zone. Paper Birch Property.

Findings of Fact

4. 4 Corners Clean

Public Comment

Adjournment



PLANNING BOARD MEETING MINUTES

Thursday August 15, 2019

Town Hall Meeting Room

6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

Regular Members Present:

David Andreesen; Nichole Fecteau; Frank Underwood; Sean Winston; Michael LaRue

Regular Member Absent:

Staff Members Present:

*Lee Jay Feldman, Director of Planning; James Bellissimo, Planner; Stephen Eldridge,
Town Manager*

Motion: Dave Andreesen motioned to nominate Nichole Fecteau as Vice-Chair.

Second: Nichole Fecteau

VOTED – 4-0-1 in favor

Motion Passed

In favor: Dave Andreesen; Sean Winston; Michael LaRue; Frank Underwood

Opposed: None

Abstain: Nichole Fecteau

Motion: Dave Andreesen motioned to nominate Sean Winston as Secretary.

Second: Nichole Fecteau

VOTED – 4-0-1 in favor

Motion Passed

In favor: Dave Andreesen; Nichole Fecteau; Michael LaRue; Frank Underwood

Opposed: None

Abstain: Sean Winston

Public Comment

Approval of Minutes

1. August 1, 2019

Motion: Nichole Fecteau motioned to approve the minutes as presented.

Second: Sean Winston

VOTED – 3-0-2 in favor

Motion Passed

In favor: Nichole Fecteau; Sean Winston; Michael LaRue

Opposed: None

Abstain: Dave Andreesen; Frank Underwood

Public Hearing

2. 173 Route 236 (R2 Zone). 4 Corners Clean.
3. Continued Public Hearing. Conditional Use Application. Parking Facility. 71 Sullivan Street (U3-11) CI Zone. Town of Berwick.

Sarah McDaniel introduced herself as the representative to Luisa Sheldon. Ms. McDaniel said the plan is inferior and does not meet all the standards. Ms. McDaniel suggested the project should be seen as a Site Plan and not just a Conditional Use Application. Ms. McDaniel said the spaces provided did not meet the Town of Berwick Land Use Ordinance standards and hours of operation were not provided.

Ms. McDaniel said the most important part is the stormwater management. Ms. McDaniel asked why the curb was removed on the plan.

4. Conditional Use Application. Public Facility (Fire Department). 20 Wilson Street (U4-142-1). Town of Berwick.

John Stoll of Long Swamp Road said the Fire Station is a long time coming. Mr. Stoll read Page 37 of the Downtown Vision Report which states public buildings should have pedestrian access. Mr. Stoll suggested the Board condition the approval of the Fire Station on the construction of the pedestrian access through the parcel.

Pat Boisvert of 6 Country Lane in Berwick introduced herself as a member of Envision Berwick and Downtown Vision Committee. Ms. Boisvert said she agreed with John Stoll and read an additional policy from the Downtown Vision Report.

Kevin Gray of Saw Mill Hill introduced himself as another initial member of the Downtown Vision Committee. Mr. Gray said he fully supports the Fire Station, he said it is really important to keep areas open for community access. Mr. Gray said we want all of the Village Overlay to be accessible.

Tom Wright, Cemetery Road and Chairman of the Board of Selectmen introduced himself. Mr. Wright said there is nothing precluding access through the site and the issue is the budget.

Dennis Dupuis asked if the trail would fall under Recreation and said there are Recreation funds available.

Alex Boisvert said he would like to see the area open. Mr. Boisvert said the most important thing with the project is the town's people feeling comfortable going to the area.

The Public Hearing was kept open.

Old Business

Nichole Fecteau recused herself.

2. 173 Route 236 (R2 Zone). 4 Corners Clean.

A site was completed at 5:30PM. The applicant showed where the parking will be. There were some concerns about traffic speeds and sight distance. The Board discussed getting a safety sign up. Frank Underwood asked for staff to the HHE200s on file.

Motion: Sean Winston motioned to approve the application.

Second: Michael LaRue

VOTED – 4-0-1 in favor

Motion Passed

In favor: Dave Andreesen; Sean Winston; Michael LaRue; Frank Underwood

Opposed: None

Abstain: Nichole Fecteau

3. Conditional Use Application. Parking Facility. 71 Sullivan Street (U3-11) CI Zone. Town Berwick.

Nichole Fecteau re-joined the Board.

Lee Jay Feldman read his memo to the board. The Board discussed if the project fell into the Site Plan Review requirement. It was determined the project fell under Conditional Use Review and not Site Plan.

Ms. McDaniel explained that the lot does have over 5,000 square feet of impervious surface, and because of this, the project should fall under Site Plan Review.

Dave Andreesen asked for a 3rd party engineer to look over grading and Stormwater.

Stephen Eldridge explained fill will be brought in next to the fence to pitch away from the abutting property. Todd Gammon explained a surface swale will be installed. Mr. Gammon suggested the issue talked about seems to be an issue of hydrogeological ground water issue, rather than a surface water issue. Frank Underwood and Nichole Fecteau said they both would like to see the lot further engineered for Stormwater.

Frank Underwood asked if Ms. Sheldon had a sump pump. Ms. Sheldon said the last issue was in 2001 when the drain was filled. Ms. Sheldon said the curb was removed and her foundation was cracked.

Frank Underwood asked for clarity on hours of operation, lighting, is the lot seasonal, what kind of signage will be on the lot, will it be used as a park and ride. Tom Wright said the COAST bus will not be continuing their route by 71 Sullivan Street. Mr. Wright said there is no plan to plow the lot during the Winter. Mr. Wright said no problem on no overnight parking.

A site walk was scheduled for 5:30PM on September 19th.

5. Conditional Use Application. Public Facility (Fire Department). 20 Wilson Street (U4-142-1). Town of Berwick.

Andy Hyland summarized the project. Mr. Hyland emphasized the importance of keeping the apparatus separate from the parking area. Todd Gammon said there is challenging topography on the site. There are four environmental permits required for the project.

Frank Underwood asked how the site could accommodate pedestrians. Dave Andreesen suggested access through the middle of the property through the Fire Station and Police Station. The Board discussed several options of access throughout the site. Mr. Hyland and Dennis Plate, Fire Chief, both strongly advised against pedestrian access on the Sullivan Street egress.

Frank Underwood asked why not keep the structure or part of the structure to repurpose for recreational purposes. Dave Andreesen asked to see a proposed future trail on the plan.

Site Walk moved up to 5:00PM on September 5th.

6. Subdivision Amendment. 4 T.C. Lane (R37 6-A-1) R2 Zone. Thomas Corliss.

James Bellissimo read his memo to the Planning Board. Mr. Bellissimo said TC Lane is also known as a Hodgson Subdivision which came with Conditions of Approval on the plan.

Thomas Corliss introduced himself. Mr. Corliss said the well will meet the Condition of Approval, that the well will be at least 40' deep. Mr. Corliss said the wetlands will not be impacted at all.

Frank Underwood and the Planning Board requested that Mr. Corliss' abutters were given a courtesy notice.

Motion: Nichole Fecteau motioned to approve the application.

Second: Sean Winston

VOTED – 5-0 in favor

Motion Passed

In favor: Dave Andreesen; Sean Winston; Michael LaRue; Frank Underwood; Nichole Fecteau

Opposed: None

Abstain: None

Approval of Findings of Fact

- 537 Portland Street

Motion: Michael Larue motioned to accept the Findings of Fact as presented.

Second: Sean Winston

VOTED – 5-0 in favor

Motion Passed

In favor: Dave Andreesen; Sean Winston; Michael LaRue; Frank Underwood; Nichole Fecteau

Opposed: None

Abstain: None

Information Items

Upcoming joint Berwick & South Berwick meeting about access through Industry Drive for a Residential Subdivision. Mr. Feldman explained the emergency access and egress in South Berwick is proposed to use Industry Drive.

Mr. Feldman explained the 3rd party engineer at Industry Drive has been doing a thorough job to ensure the project gets built as planned.

Public Comment

Adjournment

Motion: Michael LaRue motioned to adjourn.

Second: Sean Winston

VOTED – 4-0 in favor

Motion Passed

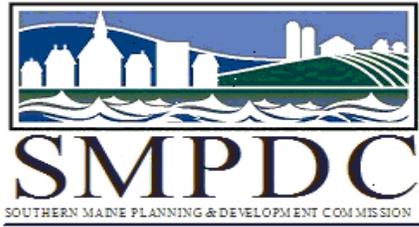
In favor: Dave Andreesen; Nichole Fecteau; Sean Winston; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

Minutes prepared by Berwick Planner James Bellissimo, for consideration at the next Berwick Planning Board meeting.

Signed as Approved by the Board:



To: Berwick Planning Board
From: Lee Jay Feldman, Director of Planning
Date: 8/26/2019
Re: **Change of Use- Paper Birch Medical Marijuana Store front to an Adult Use Store Front**

I. Proposal

The applicant, Paper Birch, LLC is seeking approval of the currently approved and under construction Medical Marijuana Store Front to allow for the sale of Adult Recreational Marijuana Store Front at some point in the future.

The reason I suggest sometime in the future is that the State rules have not been finalized at this time and will not be out until sometime in the spring of 2020. At this point the applicant is planning on continuing to open and operate the current facility in late fall. Once the state rules are finalized, he would than convert to Adult Recreation as I understand it.

The applicant is not proposing to change the site as previously approved but rather just change the use once the new rules are put in place. As a side note to all of this, it is my understanding that the applicant is planning on building out the parking lot as proposed in phase I & II. Also, Paper Birch has purchased the abutting parcel where the joint access had existed.

II. Approval

I do not believe that the board needs a site visit or a public hearing on the application, however; a site visit would be good from the stand point of seeing the site under construction so that the board can better understand what the plan looks like now in a reality stand point.

I would suggest that if the board is comfortable with the application as proposed that a Condition of Approval be placed on this approval that:

- I. Requires the applicant provide a State permit to the town prior to the operation of the Adult Recreational sales and If the rules change at the state level that requires any change in the applicants approach to this approval, than an additional amendment be sought with the planning board prior to that start of retail sales.



Town of Berwick

Where Tradition Meets Tomorrow

11 Sullivan Street, Berwick, Maine 03901

Phone: (207) 698-1101 Fax: (207) 698-5181

Website: www.berwickmaine.org

APPLICATION: CONDITIONAL USE PERMIT/SITE PLAN REVIEW

PLANNING BOARD REVIEW FEES <i>(All Fees are Non-Refundable)</i>		<input checked="" type="checkbox"/> \$500.00 Conditional Use Review <input type="checkbox"/> \$1,000.00* Site Plan Review <i>* Site Plan Review requiring more than 10 hours of staff time will be billed at \$80/hour.</i>		Site Plan Review[†] Please check any that apply: <input type="checkbox"/> Construction of 3,000 or more ft ² <input type="checkbox"/> Installment of 5,000 ft ² or more impervious surfaces. <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Extraction Industry <input type="checkbox"/> Multi-Family <input checked="" type="checkbox"/> None of the above			
PROPERTY DESCRIPTION	Parcel ID	Map: R-70	Lot: 12-1	Zoning District: RC/I	Total Land Area: 110265 Sq Ft	Part of a Subdivision (Y/N)	N
	Physical Address	357 Portland Street Berwick, Maine 04901				Aquifer Protection (Y/N)	N
						Shoreland Protection (Y/N)	N
						Resource Protection (Y/N)	N
	Special Flood Hazard Area (Y/N)					N	
APPLICANT OR REPRESENTATIVE INFORMATION	Name	Paper Birch Property LLC			Mailing Address	One Canal Plaza Portland ME, 04101	
	Phone	415-515-3500			Email Address	paperbirchproperty@gmail.com	
PROJECT DESCRIPTION	<u>Existing Use:</u>	There is currently a medical marijuana storefront under construction at 357 Portland Street. It is projected to open in Oct or Nov 2019.					
	<u>Project Name:</u>	Kind Farms Reserve					
	<u>Proposed Use</u>	Change use from "medical" marijuana storefront to "adult-use" storefront at 357 Portland Street.					
	<u>Waiver(s) Requested:</u>	No additional waivers requested.					

Planning Board meetings are the 1st and 3rd Thursday of each month at 6:30pm.

This application must be submitted at least **two weeks** in advance of the Planning Board meeting. Ongoing applications have a **one-week** submittal requirement. Please e-mail a complete application to planning@berwickmaine.org, submit the application fee and eight copies to the Planning Department with the requirements outlined on the other side of this application.

A Public Hearing and a site walk when necessary will be scheduled when the Planning Board finds the application complete. All expenses must be paid before a Certificate of Occupancy will be granted through the Code Enforcement Office. A performance guarantee may be required by the Planning Board.

CERTIFICATION To the best of my knowledge, all information submitted with this application is true and correct.



 Signature of Applicant

22 AUG 19

 Date



Town of Berwick

Where Tradition Meets Tomorrow

11 Sullivan Street, Berwick, Maine 03901

Phone: (207) 698-1101 Fax: (207) 698-5181

Website: www.berwickmaine.org

APPLICATION: CONDITIONAL USE PERMIT/SITE PLAN REVIEW

PLANNING BOARD REVIEW FEES <i>(All Fees are Non-Refundable)</i>		<input checked="" type="checkbox"/> \$500.00 Conditional Use Review <input type="checkbox"/> \$1,000.00* Site Plan Review <i>* Site Plan Review requiring more than 10 hours of staff time will be billed at \$80/hour.</i>		Site Plan Review⁺ Please check any that apply: <input type="checkbox"/> Construction of 3,000 or more ft ² <input type="checkbox"/> Installment of 5,000 ft ² or more impervious surfaces. <input type="checkbox"/> Mobile Home Park <input type="checkbox"/> Extraction Industry <input type="checkbox"/> Multi-Family <input checked="" type="checkbox"/> None of the above			
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A Public Hearing and a site walk when necessary will be scheduled when the Planning Board finds the application complete. All expenses must be paid before a Certificate of Occupancy will be granted through the Code Enforcement Office. A performance guarantee may be required by the Planning Board.

CERTIFICATION. To the best of my knowledge, all information submitted with this application is true and correct.

Signature of Applicant

Date

Submitted	Waiver Request	Conditional Use Application Requirements
<input checked="" type="checkbox"/>	N/A	List of Abutters located within 200 feet including tax map and lot number. Information can be found in the Assessing Database or GIS maps at www.berwickmaine.org
<input checked="" type="checkbox"/>	N/A	Right, Title and Interest to the Property: Copy of Deed, Purchase & Sale Agreement or subdivision approval.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan to include requirements in Section 9.8(F) of the Land Use Ordinance. Including: <input checked="" type="checkbox"/> Proposed buildings with room layout <input checked="" type="checkbox"/> Approximate boundaries of the parcel <input type="checkbox"/> Parking Plan <input checked="" type="checkbox"/> Traffic circulation with proposed exists and entrances <input checked="" type="checkbox"/> Lighting <input checked="" type="checkbox"/> Landscaping.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Written narrative describing proposed use including: <input checked="" type="checkbox"/> Total floor area <input type="checkbox"/> Ground coverage <input type="checkbox"/> Location of each proposed building <input type="checkbox"/> Setbacks to property line <input type="checkbox"/> Business Hours of Operation <input type="checkbox"/> Number of Employees <input type="checkbox"/> Materials to be Used Refuse/Garbage Disposal <input type="checkbox"/> Noise <input type="checkbox"/> Existing restrictions or easements on the site
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> External Plumbing Permit or permission letter to enter municipal water and sewer lines. OR on-site soils investigation report by licensed site evaluator.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Written statement documenting proposed Low Impact Design (LID) for the site to reduce storm water volumes. LID includes, but is not limited to: green roofs, rain gardens, tree wells, infiltration basins, and permeable pavement.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Materials to satisfy Section of 9.8.I.1 a through s as they apply to Conditional Use Review.

Submitted	Waiver Request	Site Plan Approval Requirements [†]
		These requirements shall be met when the application meets any of the criterion of Section 9.8.E in the Land Use Ordinance.
<input type="checkbox"/>	<input type="checkbox"/>	Map or maps prepared at a scale of not less than 1" to 40'
<input type="checkbox"/>	<input type="checkbox"/>	Perimeter survey of parcel certified by registered land surveyor Which meets all requirements of 9.8. criterion 2.b.i
<input type="checkbox"/>	<input type="checkbox"/>	Topography indicating contours at intervals of not more than two feet in elevation unless otherwise specified by the Planning Board.
<input type="checkbox"/>	<input type="checkbox"/>	Existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, drainage ways, public or private ways
<input type="checkbox"/>	<input type="checkbox"/>	Location, ground floor area and elevations of buildings and other structures on site
<input type="checkbox"/>	<input type="checkbox"/>	On-site soils investigation which meets all requirements of 9.8.2.b.iv
<input type="checkbox"/>	<input type="checkbox"/>	Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site on to public streets and curb and sidewalk lines
<input type="checkbox"/>	<input type="checkbox"/>	Landscape plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening
<input type="checkbox"/>	<input type="checkbox"/>	A written statement that meets all 11 requirements of 9.8.F.2.c
<input type="checkbox"/>	<input type="checkbox"/>	Materials to satisfy Section of 9.8.I.1 a through s as they apply to Site Plan Review.

357 Portland Street Adult-Use Narrative

This project is located at 357 Portland Street (Route 4) in Berwick, Maine. The lot is known as Map R-70, Lot 12-1 on the Town of Berwick tax map system. The property is not located within an essential habitat, shoreland district or resource protection district. Kind Farms Reserve Medical Marijuana Storefront is currently under construction on the property.



This application is for a change of use from “medical” to “adult-use.” The storefront will open as medical in Oct-Nov 2019, but is in process for state licensing for adult-use.

The Building:

The medical marijuana store will be used as an adult-use marijuana storefront. The building totals 2,240 sq ft however, of that, only 800 sq ft are storefront.

The adult-use storefront will be open 7 days per week from 9am-8pm. It’s a completely secure facility with no public access beyond the retail space. The remaining areas will be for storage and employee-only office space. There is an expectation of between 4-6 employees.

Security:

Security protocols have been paramount to the initial design of Kind Farms Reserve's Medical Storefront. To gain access to the locked adult-use store, all visitors must show a valid form of identification to the employee checking and controlling access/traffic flow into the store. The public can't walk into the store otherwise.

The facility has a state of the art security system with double redundancies in case of power failure, no less than 12 cameras outside (including parking lot cams), 12 cameras on the inside, magnetic locking doors, panic buttons, and glass-breaking sensors. Recorded video footage is 4k, stored offsite, and kept for the required amount of time.

The parking lot will have 5 Cree OSQ series downlit, dark-sky friendly lights. The lighting system is entirely dimmable. All lights include adjustable shields to further control light and lessen impact on neighboring properties.



Waste:

Solid waste will be disposed of in the dumpster location shown on the site plan. The site is not expected to generate excessive amounts of trash, and all refuse shall be in accordance with laws surrounding marijuana product disposal.

Noise:

It is not expected that noise would be disagreeable with surrounding properties (see abutters), and there will be no issue with odor.

Stormwater:

The proposed site changes disturb less than one acre. The Town of Berwick requires the rules in the Maine Department of Environmental Protection (MDEP) Chapter 500: Stormwater Management, Appendix A-Erosion and Sedimentation Control to be met for projects disturbing less than an acre. The design met those guidelines and required no permits from the MDEP.

Traffic/Driveway Permit:

The site has an existing commercial driveway permit approved by DOT entrance permit. No additional changes to the approved entry are proposed. The entrance will be paved for the first 150± ft. The remainder of the entrance and parking area will be gravel.

There was a driveway maintenance agreement with adjoining property (359 Portland St) however the lot was purchased from Dwayne Rice in July of 2019.

For traffic there is a 29-space parking lot, and each light pole is wired for a 4k camera.

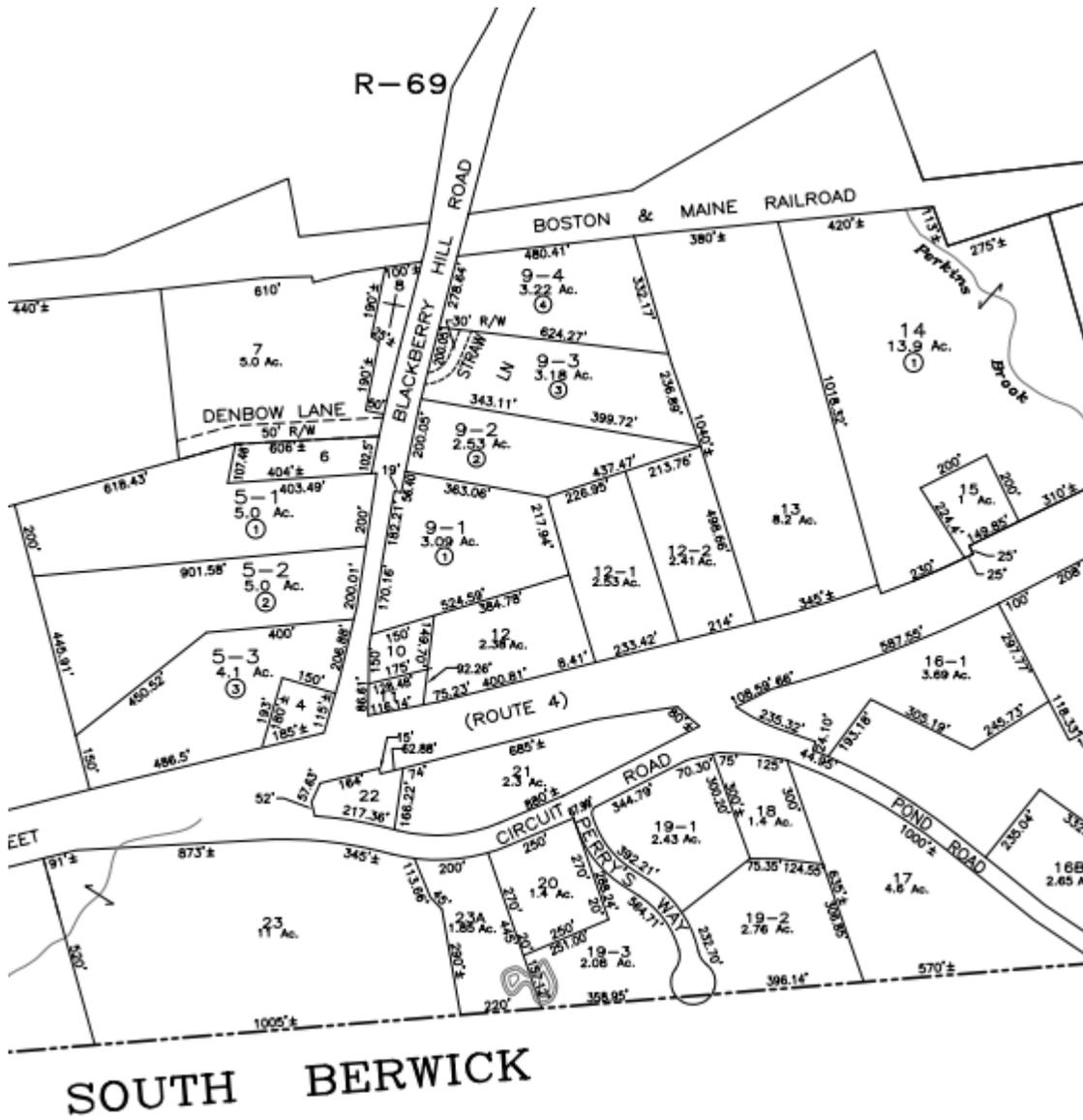
Utilities:

The site will have a private well and private septic system. Power has been joined from the nearest utility pole, CMP number 545S.

There will be 5 foot walkways in front of the main entrance for easier accessibility. An ADA handicap parking space is proposed with accessible slope to the walkway.



USGS Map, Somersworth, ME, Quadrangle



Tax Map R-70, Lot 12-1, Berwick, ME

After recording return to:
Bergen & Parkinson, LLC
62 Portland Road, Suite 25
Kennebunk, ME 04043

2P →

Space Above This Line For Recording Data

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **DWAYNE S. RICE** and **SANDRA L. RICE**, of South Berwick, York County, Maine, FOR CONSIDERATION PAID, hereby grants to **PAPER BIRCH PROPERTY, LLC**, a limited liability company duly organized and existing under the laws of the State of Maine, with a mailing address c/o Bergen & Parkinson, LLC, 62 Portland Road, Suite 25, Kennebunk, Maine 04043, with WARRANTY COVENANTS, a certain lot or parcel of land, together with any improvements thereon and all rights appurtenant thereto located in the Town of Berwick, York County, Maine; being more particularly described as follows:

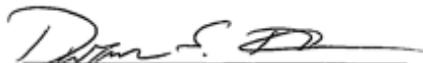
Maine RE Transfer Tax Paid

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

IN WITNESS WHEREOF, Dwayne S. Rice and Sandra L. Rice have hereunder set their hands and seals as of this 22 day of September, 2017.



Witness



Dwayne S. Rice



Witness



Sandra L. Rice

STATE OF MAINE
York County, ss.

September 22, 2017

Personally appeared the above-named Dwayne S. Rice and Sandra L. Rice and acknowledged the foregoing instrument to be their free acts and deeds.

Before me,


Notary Public/Attorney-at-Law
David C. Johnson

EXHIBIT A

Lot 12-1 – Portland Street, Berwick, Maine

A certain lot or parcel of land situated on the northerly side of Route 4 in the Town of Berwick, County of York and State of Maine and being bounded and described as follows:

Beginning on the northerly side of Route 4 at a rebar found at the southeasterly corner of Lot 12-2 as referenced in a certain Subdivision Plan prepared by TriTech Engineering Corporation for James III & Dianne C. Dean, Portland Street – Route #4, Berwick, Maine, January 24, 2013, and recorded on March 28, 2013, in the York County Registry of Deeds in Plan Book 360, Page 4 (the "Plan").

Thence running S 65°-55'-43" W, a distance of 233.42 feet to a concrete bound found at the southwest corner of remaining land of Lot No. 12;

Thence turning and running N 26°-57'-48" W by said Lot No. 12, a distance of 250.11 feet to a granite bound found at the southerly sideline of land now or formerly of Robin E. Blunt;

Thence running N 25°-19'-54" W, a distance of 217.95 feet to a granite bound found at the corner of land now or formerly of Donald and Catherine Heath;

Thence running N 20°-53'-42" W still along said Blunt land a distance of 11.35 feet to a granite bound found at the southeast corner of land now or formerly of Donald and Catherine Heath;

Thence turning at a right angle and running N 61°-58'-57" E, along said Heath land a distance of 226.95 feet along land now or formerly of said Heath to a concrete bound found;

Thence turning and running S 26°-57'-48" E, along said Lot No. 12-2, a distance of 483.93 feet to the point of beginning.

The above description is derived the Plan and is meaning and intending to describe Lot 12-1 on said Plan; also meaning and intending to describe a portion of the premises conveyed to Dwayne S. Rice and Sandra L. Rice, as joint tenants, by deed from Schoolhouse Meadow, LLC dated September 24, 2014 and recorded in the York County Registry of Deeds at Book 16896, Page 337.

The portion of the premises described herein and outlined on the Plan as "Proposed Private 30' Wide Common Driveway Easement" is subject to an easement for ingress and egress and the placement of utilities for the perpetual benefit of the owners of Lot 12-1 as described on the Plan, their heirs and assigns forever.

Containing 2.531 acres, more or less.

Maine Department of Transportation

Date: 4-09-2019

William Doukas

By: William Doukas, P.E.
Southern Maine, Region Engineer

STATE OF MAINE
County of Cumberland

Date: 4/9/19

Personally appeared the above named William Doukas and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Anthony S Fontaine
Notary Public

Print Name: Anthony S Fontaine

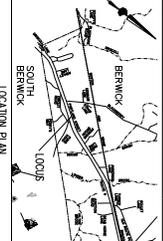
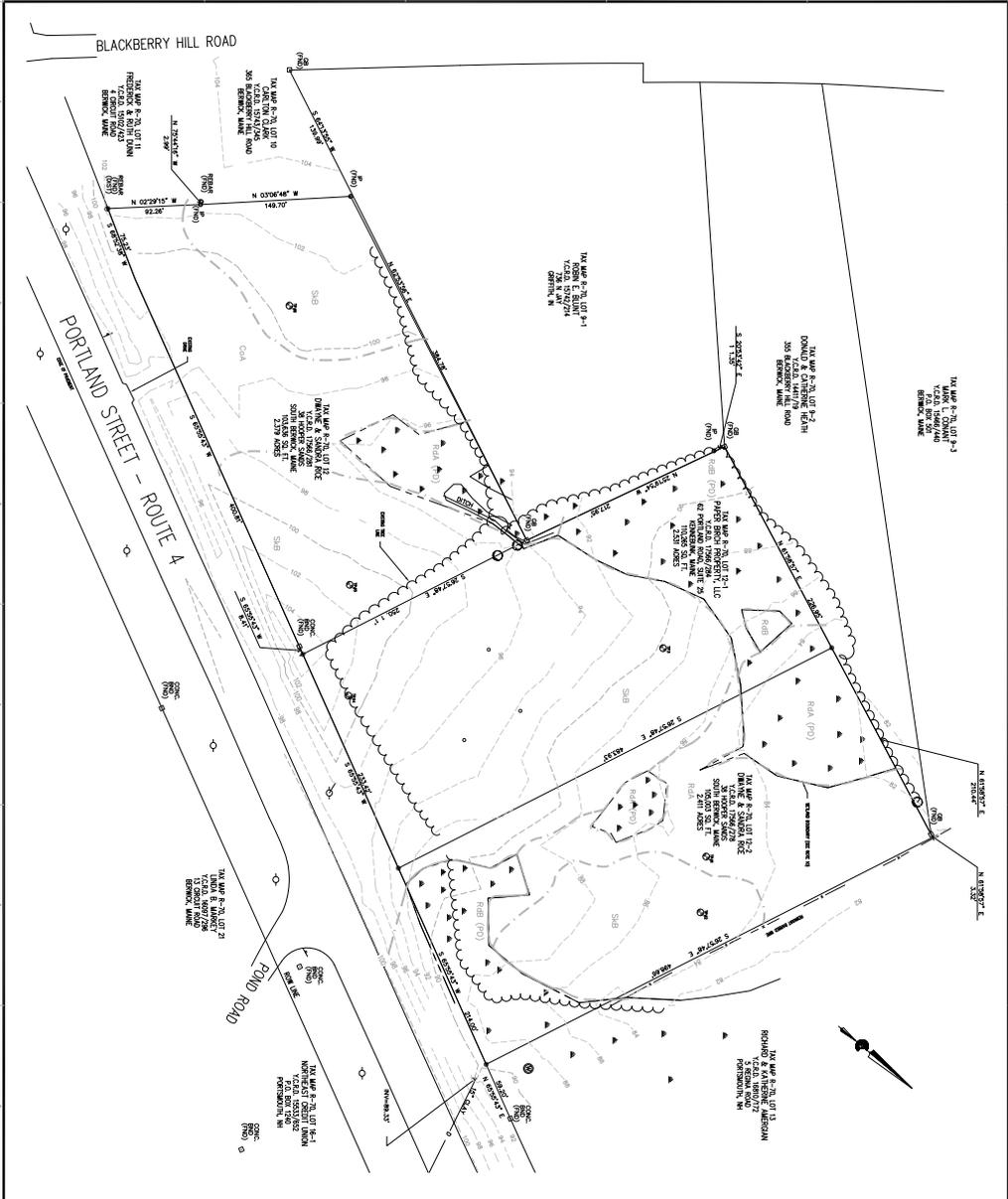
My Commission Expires: ~~12/6~~ ^{ASF}
1-12-2026

Seal

LIST OF ABUTTERS

Paper Birch Property, LLC Site Plan
 357 Portland Street (Route 4)
 Berwick ME, 03901
 Map R-70, Lot 12-1

MAP	LOT	NAME & MAILING ADDRESS
R-70	12-1 (locus)	PAPER BIRCH PROPERTY, LLC 62 PORTLAND ROAD KENNEBUNK, ME 04043
R-70	12	RICE DWAYNE & SANDRA 38 HOOPER SANDS SOUTH BERWICK, ME 03908
R-70	12-2	PAPER BIRCH PROPERTY, LLC 62 PORTLAND ROAD KENNEBUNK, ME 04043 18
R-70	13	AMERGIAN RICHARD & KATHERINE 5 REGINA ROAD PORTSMOUTH, NH 03801
R-70	16-1	NORTHEAST CREDIT UNION PO BOX 1240 ATTN: ACCOUNTING PORTSMOUTH, NH 03802
R-70	21	MARKEY, LINDA B. 13 CIRCUIT ROAD BERWICK, ME 03901
R-70	22	MOISEN, KRISTEN & STEVE 5 CIRCUIT RD BERWICK, ME 03901
R-70	9-1	BLUNT, ROBIN E. 736 N JAY GRIFFITH, IN 46319
R-70	9-2	DOLLEY BRIAN & KRISTIN 355 BLACKBERRY HILL ROAD BERWICK, ME 03901
R-70	9-3	CHIASSON, JR., DAVID P. & SHEA-CHIASSON, ANNE 12 SEAVIEW AVE OLD ORCHARD BEACH, ME 04064
R-70	10	CARLTON CLARK 365 BLACKBERRY HILL ROAD BERWICK, ME 03901
R-70	11	DUNN, FREDERICK A. & RUTH E 4 CIRCUIT ROAD BERWICK, ME 03901



- NOTES:
1. EXISTING BUILDINGS
 2. EXISTING DRIVEWAYS
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RECORD OWNER:
PRINCE PROPERTY, LLC
PRINCE ADDRESS:
62 PORTLAND ROAD, SUITE 25
KENNEBUNK, ME 04043

PREPARED FOR:
PAUL VENUITI
CLIENT ADDRESS:
3 APGAR LANE, YORK, MAINE 03909

DATE: 04/24/2019
DRAWN BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

EXISTING SITE PLAN

PROJECT NO. 17-28226

SHEET 2 OF 4

Low Impact Design Statement

The request is for a written statement documenting the proposed LID design for the site to reduce water volumes.

The proposed Low Impact Design was approved by the planning board on 16 May 2019. In the Findings of Fact it states that the LID standard has been met because “the parking area as proposed will be gravel.”

There have been no changes to the design of the site, and construction of the gravel lot is underway.



BERWICK POLICE DEPARTMENT

PO Box 644 • 20 WILSON STREET • BERWICK ME 03901-0644 • BUS: (207) 698-1138 • FAX: (207) 698-1567

Geoffrey R. Aleva, PE
Vice President
Sr. Project Structural / Civil Engineer
CIVIL CONSULTANTS
PO Box 100 / 293 Main Street
South Berwick, Maine 03908

Wednesday, April 24, 2019

Dear Mr. Aleva,

I reviewed the proposal for the marijuana storefront project located at 357 Portland Street. The question that was asked of me was in regards to landscaping, more specifically about whether trees will, or will not be, cut down.

I am familiar with the location where the storefront would be located. This is a fairly heavily traveled roadway however; it sits in an area that is somewhat rural. The suggestion that we have is from a law enforcement perspective and is not connected to the visual appeal of the building. That being said, we would like to be able to see as much of the building as possible. This would limit the ability for someone to be hiding along the side of the building while attempting to make entry illegally. You mentioned that the building will have downlit sight lighting. This type of lighting is helpful but obviously is more effective if there is nothing along the exterior walls of the structure(s). If there are trees left on the property it would be helpful if they are along the outside perimeter of the parking areas. Again, this limits a person's ability to secret themselves in places less visible from the roadway.

Our officers perform checks of the business's along Portland Street regularly. We also spend a fair amount of time performing traffic enforcement there as well. If we may be helpful to you now, or in the future, please let us know.

Respectfully,

A handwritten signature in black ink, appearing to read "Timothy Towne".

Timothy Towne
Chief of Police



**Town of Berwick Planning Board
Conditional Use Findings of Fact
September , 2019**

Applicant: Paul Venuti, Paper Birch Property, LLC
357 Portland Street (Tax Map R-070, Lot 12-1)

The Applicant, Paul Venuti, submitted an application to the Town dated August 22, 2019, for the development of a change of use from Medical Marijuana retail sales facility to an Adult Retail Store Front at a property that is in the RC/I Zoning District with Condition Use approval by the Planning Board.

The applicant, Paper Birch, LLC is seeking approval of the currently approved and under construction Medical Marijuana Store Front to allow for the sale of Adult Recreational Marijuana Store Front at some point in the future.

The reason I suggest sometime in the future is that the State rules have not been finalized at this time and will not be out until sometime in the spring of 2020. At this point the applicant is planning on continuing to open and operate the current facility in late fall. Once the state rules are finalized, he would than convert to Adult Recreation as I understand it.

The applicant is not proposing to change the site as previously approved but rather just change the use once the new rules are put in place. As a side note to all of this, it is my understanding that the applicant is planning on building out the parking lot as proposed in phase I & II. Also, Paper Birch has purchased the abutting parcel where the joint access had existed.

Findings of Fact

1. **Conformance with the Comprehensive Plan:** *All proposed conditional uses and site plans shall conform to the Comprehensive Plan of the Town of Berwick and with the provisions of all pertinent federal, state and local codes, ordinances, and regulations.*

The application conforms to the Comprehensive Plan because it is permitting an appropriate commercial use within the RC/I zone. Provided the use does not change until a State of Maine permit has been issued to the applicant under the Rules for Adult Use Retail sales

2. **Preserve and enhance the landscape:** *The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil, retaining existing vegetation during construction. After construction is complete, landscape shall be designed and planted that will define, soften or screen the appearance of off street parking areas from the right of way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on the neighboring land uses.*

No change is proposed to the physical site since the Conditional Use was approved.

3. **Relationship of the proposed buildings to the environment:** *Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location and height of the building(s) and such natural features such as slope, soil type and drainage ways.*

The one-story building will be wood framed and sided and located 75 feet off the road while the parking area will be at the side of the building and designed so that only the closest parked car to the road will be 85 feet off the street.

4. **Vehicular access:** *The proposed site layout shall provide for safe access and egress from public and private roads by providing adequate location, numbers and controls of access points including site distances, turning lanes, traffic signalization when required by existing and projected traffic flow on municipal road systems.*

The parking areas are accessed directly from the street and provide adequate sight distance onto the public way. The Maine DOT has provided a revised permit for the access opening to Portland Street.

5. **Parking and circulation:** *The layout and design of all vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangements and use of parking areas.*

Parking as shown on the plan is adequate to allow for vehicles to circulate on site. Access will also accommodate the abutting parcel to the east through a common drive easement.

6. **Surface water drainage:** *Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream conditions, soil erosion or the public storm drainage system. Whenever possible, on-site absorption of unpolluted run-off waters shall be utilized to permit groundwater recharge on the site.*

This standard has been met and complies

7. **Existing utilities:** *The development shall not impose an unreasonable burden on sewers, sanitary and storm drains, water lines or other public utilities.*

This standard is not applicable. The water will be services via onsite well and the sewer will be onsite septic system.

8. **Advertising features:** *The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.*

The Applicant must apply and receive a permit from the Town for any proposed new signs.

9. **Special features of the development:** *Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setback and screening to provide an audio/visual buffer to minimize their adverse impact on other land uses within the development area and surrounding properties.*

The applicant has received a letter from the Police Chief indicating that the less screening proposed is better for security purposes.

10. **Exterior lighting:** *All exterior lighting shall be designed to minimize adverse impact on neighboring properties.*

All lighting on the building shall be cut-off types. See note 13 of the plan set.

11. **Emergency vehicle access:** *Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.*

Emergency vehicles may access the building from the parking area.

12. **Municipal services:** *The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, solid waste program, sewer treatment plant, school, open spaces, recreational programs and facilities, and other municipal service and facilities.*

The proposed uses will not have adverse impacts on municipal services.

13. **Will not result in water or air pollution:** *In making this determination, it shall at a minimum consider: The elevation of the land above sea level and its relationship to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its attest on effluents; and the applicable state and local health and water resources regulations.*

This standard has been met and is in compliance

14. **Has sufficient water available for the reasonably foreseeable needs of the development** *(this is usually considered to be ten years approximately).*

This standard has been met. The use is not residential and the Applicant will be using a well.

15. **Will not cause an unreasonable burden on an existing water supply,** *if a municipal or community water supply is to be utilized.*

This standard does not apply since the Applicant will be utilizing a well.

16. **Will not cause soil erosion or reduction in the capacity of the land to hold water** *so that dangerous or unhealthy conditions may result.*

This standard has been met since the site has been designed to accommodate stormwater.

17. **Will provide for adequate sewerage waste disposal.**

This standard has been met as a septic system is proposed.

18. **Will not have adverse effects on the scenic or natural beauty of the area, aesthetics, or rare and irreplaceable natural areas.**

This standard does not apply since the site is zoned for Industrial/Commercial uses.

19. **The developer has adequate financial and technical capacity to meet the above stated standards.**

This standard has been met and complies.

20. **Whenever situated in whole or in part within 250 feet of any pond, lake or river, will not adversely affect the quality of such body of water or affect the shoreline of such body of water, based on the standards outlined in Section 9.8.I.1.j.**

This standard does not apply because the site is not located near any type of water body.

21. **Low Impact Design:** *Each applicant is required to submit a statement to the Planning Board documenting proposed Low Impact Design (LID) for the site, which will help to reduce storm water volumes and help to enhance storm water quality. LID includes, but is not limited to, green roofs, rain gardens, tree wells, infiltration basins and permeable pavement.*

This standard has been met because the parking area as proposed will be gravel.

Conditions

1. Any modifications to the Conditional Use plans and application as approved, prior to being made, must also be reviewed and approved by the Planning Board..
2. The Applicant shall ensure that all lighting installed on the building is dark-sky compliant with cut-off fixtures to prevent light trespass on neighboring properties or the street.
3. The property owner for Tax Map 70, Lot 12-1 otherwise known as 357 Portland Street will be responsible for all of the future maintenance and upkeep of the shared portion of the driveway.
4. Per Section 9.8.H.2 conditional use approval for the use stated in this decision shall expire in one year if that use has not commenced.
5. This Conditional Use shall inure to the benefit of the Applicant, and bind its successors and assigns, and shall be deemed to run with the land.

All of the above conditions still apply to this amended approval, however; one additional condition has been added to the plan as follows:

6. The applicant provide a State permit to the town prior to the operation of the Adult Recreational sales and If the rules change at the state level that requires any change in the applicants approach to this approval, than an additional amendment be sought with the planning board prior to that start of retail sales.

I, David Andreesen, certify that I am Chair of the Planning Board of the Town of Berwick, Maine, a Planning Board established pursuant to Maine State Statute (30 MRSA § 1917 and Title 30-A § 4401) and I further certify that this decision was approved by the Planning Board at its meeting of XXXXX2019

Approval of the Findings of Fact

Approval of the Conditions of Approval

Approval of the Application

David Andreesen, Chair, Berwick Planning Board

**Town of Berwick Planning Board
Conditional Use - Findings of Fact
Date August 15, 2019**

Applicant: Kevin & Diane Dyer
173 Route 236 Map: R066 Lot: 003

Diane Dyer is seeking approval to locate 4 Corners Cleaning service in what is currently a duplex on route 236. The property will be used for Office and supplies for the cleaning operation. Currently the operation has 23 employees. The introductory letter goes on to suggest that there will be a dumpster on the site with twice a week pick up. The dumpster is proposed at the rear of the parking area, however there is nothing to suggest that it will be in an enclosure and based on the proposed location, if vehicles are parked in the spaces shown, will the truck be able to get in and empty the dumpster? Is there a set time of day it will be emptied?

The plan shows some parking spaces but I am unclear if they meet the design standards of 9'x18' with a travel lane in between or exactly how many spaces will be on the site? The plan also does not show the point of access from Route 236 so I have no idea how wide the access is based on the plan.

The applicant has checked off a request of several waivers for the CU portion of the checklist, however, there are several boxes not checked for the Site Plan requirements. It is unclear if the applicant is seeking waivers of the unchecked boxes or not, clarification of this will be needed by the board. At the August 1, 2019 planning board meeting, the waivers were discussed and planning board had no problem waiving all of the requests.

The board found the application complete 3-0 with Nichole Fecteau recusing herself and set the date for a sitewalk and public hearing which will be on August 15th

At the August 15 site walk 1 abutter showed up and noted a concern with the traffic speed on route 236 as well as the site distance due to the hill and curves in that stretch of roadway. The applicant walked the board members through the parking area proposed as well as the interior of the existing building. During the Public Hearing no one spoke on the project. The board did discuss the issue of traffic, speed and site distances. It was agreed that the staff and applicant would work with Public Works and the Maine DOT Scarborough office in order to get appropriate signage warning motorists of the driveway location.

Findings of Fact

1. **Conformance with the Comprehensive Plan:** *All proposed conditional uses and site plans shall conform to the Comprehensive Plan of the Town of Berwick and with the provisions of all pertinent federal, state and local codes, ordinances, and regulations.*

The application conforms to the Comprehensive Plan because it is permitting an appropriate commercial use within the R2 zoning district, said use will improve the property.

2. **Preserve and enhance the landscape:** *The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil, retaining existing vegetation during construction. After construction is complete, landscape shall be designed and planted that will define, soften or screen the appearance of off street parking areas from the right of way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on the neighboring land uses.*

The property is established and is in a residential area and far away from the main street. No additional screening or landscaping would be required.

3. **Relationship of the proposed buildings to the environment:** *Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location and height of the building(s) and such natural features such as slope, soil type and drainage ways.*

Not Applicable. This is an established building located in a built-up residential area of the community.

4. **Vehicular access:** *The proposed site layout shall provide for safe access and egress from public and private roads by providing adequate location, numbers and controls of access points including site distances, turning lanes, traffic signalization when required by existing and projected traffic flow on municipal road systems.*

The traffic along route 236 is high volume with the site having some visibility challenges. The building currently exists, the use is allowed in this zone. The applicant has agreed to work with the town and the Maine DOT on placing the proper signage along the road to let drivers know of the point of access.

5. **Parking and circulation:** *The layout and design of all vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangements and use of parking areas.*

The applicant is proposing an expanded parking area to serve its' employees. The parking is designed so that no one should have to back out on to route 236.

6. **Surface water drainage:** *Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream conditions, soil erosion or the public storm drainage system. Whenever possible, on-site absorption of unpolluted run-off waters shall be utilized to permit groundwater recharge on the site.*

This item is in compliance

7. **Existing utilities:** *The development shall not impose an unreasonable burden on sewers, sanitary and storm drains, water lines or other public utilities.*

This standard has been met since all utilities are existing

8. **Advertising features:** *The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.*

The Applicant is not seeking any new signage.

9. **Special features of the development:** *Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setback and screening to provide an audio/visual buffer to minimize their adverse impact on other land uses within the development area and surrounding properties.*

This item is in compliance

10. **Exterior lighting:** *All exterior lighting shall be designed to minimize adverse impact on neighboring properties.*

No additional lighting is proposed, this item is in compliance

11. **Emergency vehicle access:** *Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.*

Emergency vehicles will have adequate space to pull off from route 236 in case of an emergency situation at the site.

12. **Municipal services:** *The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, solid waste program, sewer treatment plant, school, open spaces, recreational programs and facilities, and other municipal service and facilities.*

The proposed uses will not have adverse impacts on municipal services.

13. **Will not result in water or air pollution:** *In making this determination, it shall at a minimum consider: The elevation of the land above sea level and its relationship to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its attest on effluents; and the applicable state and local health and water resources regulations.*

This standard is in compliance

14. **Has sufficient water available for the reasonable foreseeable needs of the development** *(this is usually considered to be ten years approximately).*

This standard has been met. The proposed project will not be utilizing any additional water

15. **Will not cause an unreasonable burden on an existing water supply,** *if a municipal or community water supply is to be utilized.*

This item is in compliance

16. **Will not cause soil erosion or reduction in the capacity of the land to hold water** *so that dangerous or unhealthy conditions may result.*

The proposed use will not negatively impact erosion

17. **Will provide for adequate sewerage waste disposal.**

The applicant has indicated that 2 septic systems are located on the property and should be sufficient to handle the proposed use. The planning board has asked that the original HHE200 forms be found for the property and reviewed to assure of sufficient waste disposal.

18. **Will not have adverse effects on the scenic or natural beauty of the area, aesthetics, or rare and irreplaceable natural areas.**

This standard is in compliance

19. **The developer has adequate financial and technical capacity to meet the above stated standards.**

This standard is in compliance

20. **Whenever situated in whole or in part within 250 feet of any pond, lake or river, will not adversely affect the quality of such body of water or affect the shoreline of such body of water, based on the standards outlined in Section 9.8.I.1.j.**

This standard does not apply because the site is not located near any water body.

21. **Low Impact Design: Each applicant is required to submit a statement to the Planning Board documenting proposed Low Impact Design (LID) for the site, which will help to reduce storm water volumes and help to enhance storm water quality. LID includes, but is not limited to, green roofs, rain gardens, tree wells, infiltration basins and permeable pavement.**

This standard does not apply.

This approval is contingent on the fact that the Findings of Fact were not available the evening of the approval therefore the findings or approval could be modified at the time the Planning board reviewed the Findings of Fact.

I, David Andreesen, certify that I am Chair of the Planning Board of the Town of Berwick, Maine, a Planning Board established pursuant to Maine State Statute (30 MRSA § 1917 and Title 30-A § 4401) and I further certify that this decision was approved by the Planning Board at its meeting of August 15, 2019

The application was approved 4-0-1 with Nicole Fecteau recusing the condition that:

1. The applicant work with the Public Works department and the Maine DOT Scarborough office to locate signage on route 236 to alert drivers of the blind Driveway in the area.

David Andreesen, Chair, Berwick Planning Board

September 5, 2019

